



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/300,510	09/02/94	GEFTER	M 072-0163

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EXAMINER
CUNNINGHAM, T

ART UNIT 1816 PAPER NUMBER

DATE MAILED: 06/18/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No. 08/300,510	Applicant(s) Gefter et al.
	Examiner Thomas M. Cunningham	Group Art Unit 1816
		
<p>THE PERIOD FOR RESPONSE: [check only a) or b)]</p> <p>a) <input checked="" type="checkbox"/> expires <u>6</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.</p> <p>Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.</p> <p><input type="checkbox"/> Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).</p> <p>Applicant's response to the final rejection, filed on <u>Jun 12, 1997</u> has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:</p> <p><input type="checkbox"/> The proposed amendment(s):</p> <p><input type="checkbox"/> will be entered upon filing of a Notice of Appeal and an Appeal Brief.</p> <p><input type="checkbox"/> will not be entered because:</p> <ul style="list-style-type: none"> <input type="checkbox"/> they raise new issues that would require further consideration and/or search. (See note below). <input type="checkbox"/> they raise the issue of new matter. (See note below). <input type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. <input type="checkbox"/> they present additional claims without cancelling a corresponding number of finally rejected claims. <p>NOTE: _____ _____ _____</p> <p><input type="checkbox"/> Applicant's response has overcome the following rejection(s): _____</p> <p><input type="checkbox"/> Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.</p> <p><input checked="" type="checkbox"/> The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>of the reasons previously set forth. The 112/2 rejection is maintained as the claim language does not particularly point out the critical "nonimmunogenic" characteristics of the peptide, e.g. that the term refers to any peptide w/o adjuvant.</u></p> <p><input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p><input checked="" type="checkbox"/> For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):</p> <p>Claims allowed: <u>none</u> Claims objected to: <u>none</u> Claims rejected: <u>103-144</u></p> <p><input type="checkbox"/> The proposed drawing correction filed on _____ <input type="checkbox"/> has <input type="checkbox"/> has not been approved by the Examiner.</p> <p><input type="checkbox"/> Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____</p> <p><input checked="" type="checkbox"/> Other <u>The 112/1 rejection is maintained as the claimed peptides are recognized by the immune system and thus are "immunogenic". The rejection under 35 USC 103(a) is maintained as the claims are not limited to particular peptide sequences comprising T cell epitopes and the prior art teaches methods of inducing tolerance to protein allergens using peptides.</u></p>		